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129 (2nd case)

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-4997-2025 (O&M)

Date of decision: 20.05.2025

Darbara Singh and others

... Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. N.S.Sidhu, Advocate, for the petitioners.

Ms. Manjot Kaur, AAG, Punjab

Mr. Ajay Singh Pundir, Advocate,
for the respondent No.2.**MAHABIR SINGH SINDHU, J.**

Present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short, 'the BNSS'*) praying for quashing of FIR No.37 dated 30.05.2024 (P-1), under Section 324 read with Section 34 of the Indian Penal Code, 1860, registered at Police Station Dayalpura, District Bathinda, along with all consequential proceedings arising therefrom on the basis of compromise dated 24.06.2024 (P-3), entered into between the parties i.e. petitioners as well as respondent No.2.

2. Allegations are that petitioners in furtherance of the common intention inflicted injuries on the person of *de facto* complainant/respondent No.2-Nirmal Singh.

3. Contends that it is a case of version and cross-version. Further contends that matter has been amicably settled between the parties, i.e. petitioners as well as respondent No.2; hence FIR in question as well as consequential proceedings deserve to be quashed.



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4. Learned counsel for respondent No.2 has also acknowledged the contention raised on behalf of the petitioners.

5. Still further, learned State Counsel, on instructions from the police officer present, is not averse in case the above FIR along with consequential proceedings are quashed and set aside on the basis of the compromise entered into between the parties.

6. Heard learned counsel for the parties and perused the paper-book.

7. While issuing notice of motion on 30.01.2025, this Court has passed the following order:-

“Contends, inter alia, that it is a case of version and crossversion & matter has been compromised between the parties i.e. petitioners and respondent No. 2.

(2) Notice of motion.

(3) On asking of the Court, Mr. Kunwarbir Singh, learned AAG, Punjab accepts notice on behalf of respondent No.1/State.

(4) Mr. Ajay Singh Pundir, who is present in the Court, has filed vakalatnama on behalf of respondent No.2. The same is taken on record. He acknowledges the factum of compromise dated 24.06.2024 (P-3) arrived at between the parties i.e. petitioners and respondent No. 2.

(5) Requisite number of copies of the petition be supplied to learned Counsel for the respondents during the course of day.

(6) Petitioners shall file their respective affidavits that there is no other criminal case(s) pending against them and also give the details of any other FIR(s), already quashed on the basis of compromise.

(7) In view of the above, let parties appear before the Court of learned Illaqa Magistrate/trial Court on or before 20.02.2025 for recording their statement(s) with reference to the compromise, if any, entered into between them.

(8) Learned Illaqa Magistrate/trial Court shall record the statement(s) of all accused, complainant/injured and victim, if any, and submit a report to this Court before the next date of hearing containing the following information:-



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(i). Whether the statements of the parties are bona fide and not result of any pressure or coercion etc. in any manner?

(ii). Whether the compromise effected between the parties is genuine and valid?

(iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s)?

(iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof?

(v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender?

(vi). Whether any of the petitioner(s) is/are previous convict or not?

(9) List before this Court on 20.03.2025 for further consideration.

(10) Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection?

(11) Copy of this order be sent to learned Judicial Officer concerned forthwith for information and strict compliance. ”

8. In terms of aforesaid order, statements of both the parties were recorded and a report dated 12.03.2025 has been received from learned Judicial Magistrate First Class, Phul. For reference, the operative part of report reads as under:-

“i) The compromise effected between the parties is bona fide and is not the result of any pressure or coercion. Statements of parties were duly recorded before the undersigned and they were duly identified by their respective counsels.

ii. The compromise effected between the parties appears to be genuine and valid and without any coercion or undue influence.

iii. As per record of the case and the statements of parties, all the accused and complainant/injured are parties to the compromise.

iv. As per the statement of HC Pavittar Singh No.1986/BTI, no other criminal proceedings is pending against any of the parties.

v. As per the statement of HC Pavittar Singh No.1986/BTI, no accused persons have been declared proclaimed offender.

vi. As per the statement of HC Pavittar Singh No.1986/BTI, no parties is previous convict. ”



A perusal of the aforesaid extract clearly reveals that matter has been compromised by both sides with their free consent, voluntarily and without any coercion or undue influence. Even before this Court also, there is no objection by either side against each other.

9. Hon'ble the Supreme Court in **Gian Singh v. State of Punjab, (2012) 10 SCC 303**, has held as under:-

“61. The position that emerges from the above discussion can be summarised thus : the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz. : (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of



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conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

10. In view of above discussion, this Court is fully convinced that the offence is entirely personal in nature and does not affect public peace or tranquility. Thus, quashing of the FIR in question along with consequential proceedings, on the basis of compromise would bring peace and harmony to secure the ends of justice.

11. Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed *qua* the petitioners.

Pending application(s), if any, shall also stand disposed off.

20.05.2025
Rajeev (rvs)

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/ reasoned : Yes / No

Whether reportable : Yes / No